

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/550,064	SAKUMA ET AL.	
	<b>Examiner</b>	Art Unit Farzana Huq	2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/21/2010.
2.  The allowed claim(s) is/are 1-4.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 11/16/2010.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

/Shawki S Ismail/  
Primary Examiner, Art Unit 2455

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 9/21/2005, 04/11/2007.

**DETAILED ACTION**

1. This office correspondence is response to the applicant's application filed on September 21, 2005.
2. Claim 1- 4 are pending

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bradley D. Lytle, Registration no. 40,073 on 11/16/2010.

**Claim 1 (Currently Amended)** ) A music data transfer/recording method for transferring song data from a server, which retains song data in a storage device, to a music player, which plays back song data retained in a storage section, and writing the transferred song data in the storage section, the method comprising:

    a first step for causing the server to select the song data to be transferred to the music player from among the song data that are retained in the storage device and not retained in the storage section;

    a second step for causing the music player to judge whether the free space in the storage section is exceeded by the amount of song data to be transferred; and

    a third step for causing the music player, when the free space in the storage section is exceeded by the amount of song data to be transferred, to select the song data to be deleted from

the storage section, delete the selected song data from the storage section, and write the song data transferred from the server into the storage section,

wherein the first step causes the server to preferentially select song data that has not been transferred to the music player and has been most recently registered in the server, as the song data to be transferred to the music player; and

wherein the third step causes the music player to reference a substantial continuous playback count of each song data retained in the storage section, the substantial continuous playback count denoting the number of times a song was continuously played for a duration not shorter than a predetermined one, or a skip count of each song data retained in the storage section, the skip count denoting the number of times a song was played for a duration shorter than a predetermined one, and preferentially select the song data having a low substantial continuous playback count or the song data having a high skip count as the song data to be deleted from the storage section.

**Claim 2 (Currently Amended)** A music data transfer/recording method for transferring song data from a server, which retains song data in a storage device, to a music player, which plays back song data retained in a storage section, and writing the transferred song data in the storage section, the method comprising:

a first step for transmitting a substantial continuous playback count, which denotes the number of times a song was continuously played for a duration not shorter than a predetermined one, or a skip count, which denotes the number of times a song was played for a duration shorter than a predetermined one, from the music player to the server as a playback history of each song data retained in the storage section;

a second step for causing the server to select the song data to be transferred to the music player from among the song data that are retained in the storage device and not retained in the storage section, and to judge whether the free space in the storage section is exceeded by the amount of song data to be transferred;

a third step for causing the server, when the free space in the storage section is exceeded by the amount of song data to be transferred, to select the song data to be deleted from the storage section, specify the song data to be deleted, and transfer the song data targeted for a transfer to the music player; and

a fourth step for causing the music player to delete the specified song data from the storage section and write the transferred song data into the storage section,

wherein the second step causes the server to preferentially select song data that has not been transferred to the music player and has been most recently registered in the server, as the song data to be transferred to the music player; and

wherein the third step causes the server to reference the playback history transmitted from the music player and preferentially select the song data having a low substantial continuous playback count or the song data having a high skip count as the song data to be deleted from the storage section.

**Claim 3 (Currently Amended)** A music player comprising:

storage means for retaining song data;

playback means for playing back the song data retained by the storage means for retaining;

~~communication~~ means for communicating with a server that retains song data in a storage device and receiving song data that is transferred from the server; and

~~control~~ means that judges for judging whether a free space in the ~~storage~~ means for retaining is exceeded by the amount of song data transferred from the server, and when the free space is exceeded, selects the song data to be deleted from the ~~storage~~ means for retaining, deletes the selected song data from the ~~storage~~ means for retaining, and writes the song data transferred from the server in the ~~storage~~ means for retaining,

wherein the ~~control~~ means for judging references a substantial continuous playback count of each song data retained in the ~~storage~~ means for retaining, the substantial continuous playback count denoting the number of times a song was continuously played for a duration not shorter than a predetermined one, or a skip count of each song data retained in the ~~storage~~ means for retaining, the skip count denoting the number of times a song was played for a duration shorter than a predetermined one, and preferentially selects the song data having a low substantial continuous playback count or the song data having a high skip count as the song data to be deleted from the ~~storage~~ means for retaining.

**Claim 4 (Currently Amended)** A music player comprising:

~~storage~~ means for retaining song data;

~~playback~~ means for playing back the song data retained by the ~~storage~~ means for retaining;

~~communication~~ means for communicating with a server, which retains song data in a storage device, transmitting to the server a substantial continuous playback count, which denotes the number of times a song was continuously played for a duration not shorter than a

predetermined one, or a skip count, which denotes the number of times a song was played for a duration shorter than a predetermined one, as a playback history of each song data retained in the storage means for retaining, and receiving a signal indicating the song data to be deleted, which is transmitted from the server, and the song data transferred from the server; and

~~control~~ means for deleting the song data to be deleted, which is designated by the server, from the storage means for retaining, and writing the song data transferred from the server into the storage means for retaining.

#### **REASONS FOR ALLOWANCE**

4. Claims 1-4 are allowed. The prior art of record does not teach neither individually nor in combination the claimed limitations of: "the music player to reference a continuous playback count of each song data retained in the storage section, the continuous playback count denoting the number of times a song was continuously played for a duration not shorter than a predetermined one, or a skip count of each song data retained in the storage section, the skip count denoting the number of times a song was played for a duration shorter than a predetermined one, and select the song data having a low continuous playback count or the song data having a high skip count as the song data to be deleted from the storage section" as in claims 1-4.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**CORRESPONDANCE INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana Huq whose telephone number is (571)270-3223. The examiner can normally be reached on Monday thru Friday: 9am - 5pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farzana Huq/  
Examiner, Art Unit 2455

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Primary Examiner, Art Unit 2455